

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BRENTON L. COE, #02272865	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:24-cv-103-JDK-JDL
	§	
EVE COE, et al.,	§	
	§	
Defendants.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Brenton L. Coe, a Texas Department of Criminal Justice inmate proceeding pro se and *in forma pauperis*, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On October 9, 2024, Judge Love issued a Report and Recommendation (Docket No. 24) recommending that the Court dismiss this case without prejudice for want of prosecution and failure to obey an order of the court for failure to pay the initial partial filing fee. On October 21, 2024, Plaintiff filed a motion for an extension to pay filing fee. Docket No. 26. Three days later, Plaintiff filed objections to the Report. Docket No. 27.

Where a party objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and

makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his motion for extension to pay filing fee and in his objections, Plaintiff asserts that he has made many attempts to have the money to be taken from his inmate trust fund account and forwarded to the Clerk of Court. On October 30, 2024, the Magistrate Judge issued an order addressing both Plaintiff's motion and his objections. Docket No. 29. The order granted Plaintiff's motion for extension of time and treated Plaintiff's objections as an extension of time. As this action had been pending since March 18, 2024, the order instructed Plaintiff to pay his initial partial filing fee on or before November 8, 2024. Docket No. 29. As of the date of this order, Plaintiff has not paid the initial partial filing fee as ordered.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court **OVERRULES** Plaintiff's objections (Docket No. 27) and **ADOPTS** the Report of the Magistrate Judge (Docket No. 24) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** without prejudice for want of prosecution and failure to obey an order of the court.

So **ORDERED** and **SIGNED** this **6th** day of **February, 2025**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE